

FILED '10 NOV 10 12:16 USDC-ORE

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

TERRENCE B. BURKE,	)	CASE NO. 10-6328-TC
	)	
Plaintiffs,	)	ORDER
	)	
vs.	)	
	)	
WELLS FARGO BANK, N.A.,	)	
	)	
Defendant.	)	
	)	

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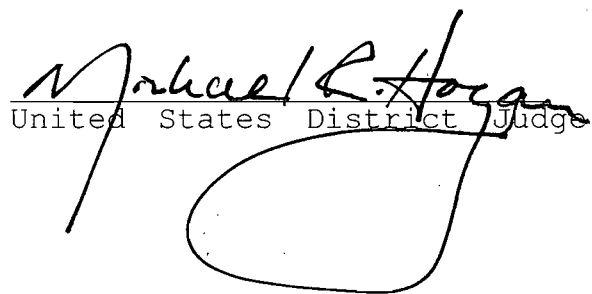
Plaintiff, Terrence Burke, appearing *pro se*, asserts claims for breach of fiduciary duty, negligence, fraud, breach of the implied covenant of good faith and fair dealing, violation of the Truth in Lending Act, and intentional infliction of emotional distress related to a residential loan and trust deed. Before the court is plaintiff's motion for a preliminary injunction preventing defendant from foreclosing on the subject property.

Plaintiff's motion and complaint are an incoherent screed attacking the current state of industry-wide real property lending practices. Plaintiff provides virtually no facts specific to his loan in either the complaint or the motion for preliminary injunction. The court cannot determine from the pleadings if plaintiff is in danger of immediate and irreparable injury, much less if plaintiff is likely to succeed on the merits of his claims. Moreover, defendant's motion to dismiss filed in response appears to be well-taken and further demonstrates the impropriety of preliminary relief.<sup>1</sup>

#### CONCLUSION

For the reasons stated above, plaintiff's motion for a preliminary injunction (#3) is denied.

DATED this 10<sup>th</sup> day of November, 2010.

  
United States District Judge

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<sup>1</sup>Although the motion to dismiss appears to be well-taken, it is not before this court and the court does not intend this ruling to dispose of the motion to dismiss.